

Patent Application: 09/676,791
Docket No: P13900US

Remarks

Allowable Subject Matter

Claims 2-6 were objected to by the Examiner, but are said to be allowable if re-written in independent format. Claims 7-9 are further said to be allowed.

Applicant respectfully thanks the Examiner for the allowance of the above-mentioned claims.

Claims Rejections: 35 U.S.C. §102(e)

Claim 1 stands rejected under section 102.e) of 35 U.S.C. for being allegedly anticipated by Chen et al. (US Patent 5,943,408). Applicant respectfully traverses.

In 35 U.S.C. 102, there are stated the Conditions for patentability, novelty and loss of right to patent. 35 U.S.C. states that:

A person shall be entitled to a patent unless —

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

Section 706 of the MPEP further refines the conditions for a proper rejection under 35 U.S.C to be valid:

The distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Whereas, in a rejection based on 35 U.S.C. 103, the reference teachings must somehow be modified.

In light of the above, Applicant respectfully traverses the outstanding rejection of claim 1 under 35 U.S.C §102. e). Applicant submits that the Examiner misinterpreted the reference Chen when he contended that Chen teaches all aspects of the invention.

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At a careful examination of Chen, it is apparent that this prior art reference **does not** teach all the Applicant's claimed elements, and thus, that it constitutes an improper reference for submission under 35 U.S.C. § 102.e) for rejecting the present invention.

Applicant's claim 1 is directed to a generic call server in a telecommunications network for performing call-control functions and interfacing between any two network components selected from a plurality of network components that utilize a plurality of different signalling protocols, said call server comprising:

a Generic Call-control State Machine (GCSM) that performs call-control functions that are common to all of the protocols; and

a plurality of external signalling systems that interface between the GCSM and the selected network components and perform call-control functions that are specific to each protocol.

Chen does not deal with a plurality of protocols handled in a node. Rather, Chen teaches a direct signaling system for providing subscribers with access to telephony services such as speed dial, call forwarding, call screening from service providers of their choice. The system provides a home interface unit (HIU) and a call server enabling a subscriber to send signaling messages and receive such messages from the service providers of his choice. The call server executes state machines that provide specific details of system operation in order to complete such telephony services.

Chen stops short of teaching a GCSM performing call control functions common to a plurality of protocols. Rather, Chen teaches execution of a plurality of state machines for providing each one of the telephony services. It is true that in some cases Chen teaches combining state machines that are utilized by two or more telephony services, such as for example state machines or Trigger Control Points (tcps) that are used both by a call forwarding service and by a call screening service (col. 9, l. 12-23 cited by Examiner). However, these are state machines used by a plurality of telephony services, and not by a plurality of protocols as claimed by the Applicant. While exemplary telephony services are, as mentioned, call forwarding, call screening, or distinctive ringing, protocols are an entirely different telecommunication concept, that can be defined as "language" of communication between per nodes in a network. Therefore, it is apparent that one skilled in the art will promptly differentiate the concept of "telephony services" from the concept of "telecommunications protocols".

Chen does not deal with a plurality of protocols, but rather with a plurality of services. Reviewing Chen, it is apparent that Chen does not even address the issue of converting between protocols. The only passage where Chen talks about a protocol is at col. 6, l. 12-14, where the presence of link 17 between Chen's call server and the access telecommunications switch, along with the protocol used for communicating over that link, are mentioned as factors affecting the performance of Chen's system. At no other place in its disclosure does Chen mention the issue of the protocols. Consequently, because Chen is silent on any further use of a protocol, Chen not only fails to teach a call server having a Generic Call-control State Machine (GCSM) that performs call-control functions that are common to all of the protocols, but Chen further lacks teaching of external signaling systems that interface between the GCSM and selected network components and perform call-control functions that are specific to each protocol.

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Because of these profound differences between the Applicant's claimed invention and Chen, Chen cannot be mentioned as a proper prior art reference under 35 U.S.C 102.e). Since Chen stops short of teaching all the elements of claim 1, Applicant respectfully submits that claim 1 is novel and nonobvious, and thus patentable over Chen.

Consequently, Applicant respectfully requests the withdrawal of the outstanding rejection.

Conclusion

All pending claims 1-9 are herein submitted as being in favorable condition for allowance.

In the Examiner finds out that the prosecution of the present invention would be facilitated by telephone interview, the Examiner is invited to contact the undersigned, Alex Nicolaescu, at telephone number (514) 345- 7900 extension number 2596.

Respectfully submitted,



Alex Nicolaescu
USPTO Reg. Number 47,253